

## REMARKS

The claims in the application are Claims 1-20 and Claims 21-25 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

The amendments to Claims 1, 7 and 15 herein in addition to new Claims 21-25 find clear support throughout the present application and drawing. More specifically, the amendment to Claims 1, 7 and 15 find support, e.g., at the top of page 6 of the application while new Claim 21 finds support at the top of page 7 of the application, new Claims 22 and 23 finding support at the middle of page 3 of the application and new Claim 24 finding support in the third paragraph on page 6 of the application.

Accordingly, the only outstanding issue is the prior art rejection of the claims.

More specifically, Claims 1-6, 8-10, 12 and 14-20 have again been rejected under 35 U.S.C. §102 as being anticipated by EP 0650 929 to Sampson in paragraph 2 of the Final Office Action while Claim 7 has now been rejected under 35 U.S.C. §103 as obvious additionally in view of newly-cited EP 0237402 to Schirmann in paragraph 5 of the Final Office Action and Claims 11 and 13 again rejected as obvious additionally in view of JP59-092028 to Tokuyama in paragraph 6 of the Final Office Action.

However, it is respectfully submitted the invention recited in all pending claims herein is patentable over the applied art for the following reasons (reference will be made to preferred embodiments of the present invention illustrated in the drawings of the present application).

As previously pointed out, the present invention is directed to producing hydrogen and/or oxyhydrogen gases. In support of patentability, a Declaration under 37 C.F.R. §1.132 executed by inventor Franz Roiner is enclosed. In paragraphs 3-5 of his Declaration, Mr. Roiner describes the features and advantages of the presently-claimed invention, namely producing hydrogen and/or oxyhydrogen gases which are released and transported away from the generating medium 9 (e.g., water) for recovery 14. In paragraphs 6-9 of his Declaration, Mr. Roiner sets forth, in detail, that Sampson rather relates to producing certain specific halous acids *in situ* in dilute solutions by *selective* oxidation. Therefore, Mr. Roiner concludes, in paragraph 10 of his Declaration, Sampson contains absolutely no suggestion to him, one skilled in the art, of producing hydrogen and/or oxyhydrogen gases. Since Schirmann relates to producing hydrogen peroxide and isobutene, while the English Abstract Tokuyama makes no mention of producing hydrogen and/or oxyhydrogen gases, these two references add nothing to Sampson which would suggest, to Mr. Roiner, producing hydrogen and/or oxyhydrogen gases.

The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

Accordingly, in view of the forgoing amendment, accompanying remarks and accompanying Declaration under 37 C.F.R. §1.132 executed by inventor Franz Roiner, it is respectfully submitted all claims pending herein are in condition for allowance. Please contact the undersigned attorney should there be any questions. The requisite fee for a one-month extension of time for response under 37 C.F.R. §1.136(a) is enclosed together with the requisite RCE filing fee and fee for additional claims.

Early favorable action is earnestly solicited.

Respectfully submitted,

  
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